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June 11, 2008

Public Version

Mr. R. Matthew Priest
Chairman, Committee for the Implementation of Textile Agreements
U.S. Department of Commerce
14th and Constitution Avenue, NW
Washington, DC 20230

**Re: Commercial Availability Request
Polyester/Nylon Corduroy Fabric
HTSUS Subheading 5801.32.00**

Dear Mr. Priest:

This short supply request is filed on behalf of our client, Fishman & Tobin, a designer, manufacturer, and importer of premier children's clothing for over 90 years, with global headquarters at 625 Ridge Pike Building E, Conshohocken, PA. The company employs over 440 people in the United States.

Pursuant to Section 203(o)(4) of the Dominican Republic-Central America-United States Free Trade Agreement ("CAFTA-DR") Implementation Act and the Final Procedures published in the Federal Register Notice of March 21, 2007, by the Committee for the Implementation of Textile Agreements ("CITA"), we hereby request a determination that certain polyester/nylon corduroy fabrics, classifiable in subheading 5801.32.00, Harmonized Tariff Schedule of the United States ("HTSUS"), be added to the list of fabrics, yarns and fibers not available in commercial quantities in a timely manner in the CAFTA-DR countries, set forth in Annex 3.25 of the Agreement and incorporated in Note 20(a) of Chapter 98, Subchapter XXII, HTSUS.

Fishman & Tobin is filing this request because the company has found it impossible to purchase such fabric in the United States, the CAFTA-DR region, or even in Mexico. The company has owned and operated a factory in Santiago, Dominican

Republic, for over 20 years and has approximately 2000 employees working at the facility. Our client wishes to do everything in its power to keep its Dominican Republic factory competitive, noting that over 50 percent of the factories in the Dominican Free Zone have had to close due to competition from the Far East. The majority of Fishman & Tobin's Dominican Republic manufacturing utilizes the subject fabric and nine others for which the company also may consider requesting short supply status. If these fabrics are not designated as commercially unavailable in the CAFTA-DR region, the Dominican Republic facility will be yet another casualty of world-wide competition, because it will be difficult, if not impossible, for Fishman & Tobin to continue production at that location.

1. Detailed Product Information

The subject fabric is a woven corduroy of 4 to 6 wales per centimeter (10 to 16 wales per inch) comprised of polyester and nylon textured filaments. A complete description is set forth below. Fishman & Tobin utilizes this fabric for the production primarily of men's and boys' dress suits, jackets and pants. The instant fabric has the content, characteristics, hand feel, and price range that render it perfectly suitable for the dresswear trade. The fabric is classifiable in subheading 5801.32.00, HTSUS. We note that the fabric description provides ranges of content, counts, etc., so as to ensure that variances in fabric construction will not preclude the ability to enter the finished garments under CAFTA-DR, and to avoid having to submit multiple requests for short supply designation. The specifications set forth below, including all of the ranges, are identical to those expressed in our due diligence letters.

- Fiber Content: 60 to 90% Polyester/40 to 10% Nylon
- Yarn:
 - Warp Polyester filament between 100-200 Denier or 111-222 Decitex, dispersed dyed
 - Fill Polyester filament between 100-200 Denier or 111-222 Decitex, dispersed dyed, and nylon filament between 120-220 Denier or 133-244 Decitex, acid dyed
- Construction: Range of 25 to 34 warp ends x 59 to 67 fill picks per centimeter or
65 to 85 warp ends x 150 to 170 fill picks per inch
- Weight: 240 to 280 g/m² or 7.08 to 8.26 oz/yd²
- Width: 142 to 162 centimeters or 56 inches to 64 inches
- Finish: Dyed

2. Quantity

Fishman & Tobin will require approximately [*****] of the fabrics that are the subject of its short supply requests, in time for production in [*****] and going forward. The fabrics will be used for production of men's and boys' dress suits, jackets and/or pants in the Dominican Republic for subsequent importation into the United States as CAFTA-DR eligible garments.

3. Due Diligence

Fishman & Tobin contacted a number of mills and textile associations representing mills in the United States and known mills located in other countries in the CAFTA-DR region, with the detailed description provided above, along with a swatch of the material.¹ None of the mills nor any members of the associations expressed an interest in supplying this fabric. In fact, several mills advised that they would be unable to supply the requested fabric in the quantity and time frame provided in our request. For those who did not reply to its initial request, Fishman & Tobin sent follow-up letters, with the same result.

Copies of the business confidential correspondence, including the initial letters, responses, and follow-up letters, are provided with the confidential version of this submission. The results of Fishman & Tobin's due diligence efforts are set forth below.

Mill/Association Contacted	Date of First Letter	Response	Date of Second Letter	Response
Bill Gaffney Milliken & Company 110 East Neck Road Huntington, NY 11743	4/04/08	Milliken replied by letter dated April 8, 2008, indicating its inability to supply the fabric	N/A	N/A

¹ We note that the subject fabric was included with nine other fabrics in Fishman & Tobin's search for suppliers in the CAFTA-DR region. These other fabrics also are the subject of short supply requests being filed by this company.

Mill/Association Contacted	Date of First Letter	Response	Date of Second Letter	Response
Tony Strickland Burlington Worldwide 804 Green Valley Road Greensboro, NC 27408	4/04/08	None	5/01/08	Letter of May 15, 2008, stated that the “splittable yarn” ² required for the subject fabric was only available in foreign markets. Followup email of May 20, 2008, confirmed that fabric Burlington could provide would not qualify for CAFTA. Proposed substitution discussed below.
Bob McCormick Kaltex 350 Fifth Avenue New York, NY 10118	4/04/08	None	5/01/08	None
Dennis Gilrain Swift Gale Five Concourse Parkway Atlanta, GA 30328	4/04/08	None	5/01/08	None
Brian Tack Mount Vernon Mills, Inc. 91 Fourth Street Trion, Georgia 30753	5/01/08	Mount Vernon replied by fax on May 9, 2008, advising that the mill does not produce the requested fabric	N/A	N/A

² The “splittable yarn” refers to Fishman & Tobin’s specification for the use of a combination of polyester and nylon filaments, rather than pure polyester, in the weft

Mill/Association Contacted	Date of First Letter	Response	Date of Second Letter	Response
David Trumbull National Textile Association 6 Beacon Street Boston, MA 02108	4/04/08	The Association replied by email, stating that there was no interest among the member companies to supply the fabric	N/A	N/A
Augustine Tantillo American Manufacturing Trade Action Coalition 910 16 th Street NW Washington, DC 20006	4/04/08	None	5/01/08	None
Michael Hubbard National Council of Textile Organizations 910 17 th Street NW Washington, DC 20006	4/04/08	None	5/01/08	None
Robert Huang Nien Hsing Textile Co., Ltd. 13F., No. 306, Neihu Road Taipei Taiwan (Owners of Alpha Textil in Nicaragua – see below)	4/04/08	None	5/01/08	Company replied by email on May 6, 2008, stating that the Alpha facility cannot produce the requested fabric
Chen San-Chun Alpha Textil, SA Zona Franca Industrial Mateare KM 15 ½ Carretera Nueva a Leon Managua, Nicaragua	4/04/08	None	5/01/08	None

Mill/Association Contacted	Date of First Letter	Response	Date of Second Letter	Response
Al Dinunzio Industrias Liztex 1359 Broadway New York, NY 10018 (for its facility located at Parques Del Lago, KM 30.5 Carretera Al Pacifico, Amatitlan, Guatemala City, Guatemala)	4/04/08	Letter returned, address incorrect, re-sent to a corrected NY address	5/15/08 to address in Guatem ala	Email of May 29, 2008 stated that the mill cannot make the subject fabric.
Juan Carlos Cartenega Textisure Monte Textile S.A. Kilometro 18 ½ Carretera Mayan Golf Villa Nueva, Guatemala, CA	4/04/08	None	5/01/08	None

It is evident from the results of Fishman & Tobin's inquiries outlined above that the subject fabric is not available from mills located in the CAFTA-DR region in the quantities required and within the given time frame.

4. Substitutable Products

Fishman & Tobin has been unable to obtain any fabric produced in the CAFTA-DR region that would be an adequate substitute for the fabric which is the subject of this request. As stated above, this fabric is used to produce men's and boys' dress suits, jackets and pants, and is particularly suited for that purpose. Fishman & Tobin's customers require a certain quality and hand that this fabric provides, and for which there is no substitute available from regional mills.

We note that Burlington Worldwide, in its May 20, 2008 email, offered to try to develop a fabric using all polyester filament, rather than the polyester/nylon filament mixture Fishman & Tobin specified. The all polyester filament proposal is not suitable for Fishman & Tobin's needs, as it would not provide the same quality, as the nylon provides a superior hand feel and drapability. The mixing of the nylon with the polyester provides the polyester with a much softer feel, rendering it suitable for dresswear.

Fishman & Tobin has tried to use 100% polyester filament in the past, but its customers were not satisfied with the product.

5. Conclusion

In view of the above, we hereby request a determination that the polyester/nylon corduroy fabric is not available in commercial quantities in a timely manner from mills that produce fabric in the CAFTA-DR region. We therefore request that CITA add this fabric to the list of fabrics, yarns and fibers in Annex 3.25 of the Agreement and incorporated in Note 20(a) of Chapter 98, Subchapter XXII, HTSUS.

Should you require any additional information in order to approve this request, please do not hesitate to contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink that reads "Donna L. Shira". The signature is written in a cursive style with a large initial 'D'.

Donna L. Shira

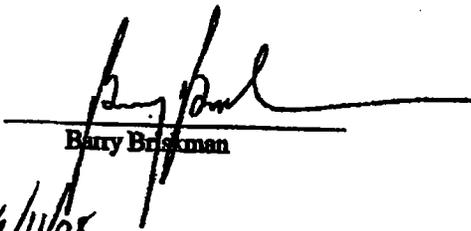
Cc: Barry Briskman

Interested Entity's Due Diligence Certification:

I, Barry Briskman, Vice President, Worldwide Sourcing, of Fishman & Tobin Inc., certify that:

1. I have read the attached submission.
2. The information contained in the submission is, to the best of my knowledge, complete and accurate.

Signed: _____


Barry Briskman

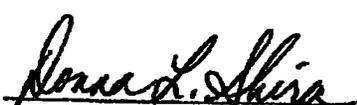
Date: 6/11/08

Legal Counsel's Due Diligence Certification:

I, Donna L. Shira, of Sharretts, Paley, Carter & Blauvelt, P.C., counsel to Fishman & Tobin Inc., certify that:

1. I have read the attached submission.
2. Based on the information provided to me by Barry Briskman, I have no reason to believe that this submission contains any material misrepresentation or omission of fact.

Signed: _____


Donna L. Shira

Date: 6-11-08